



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,164	08/22/2003	Steven W. Widner	P1957US00	9109
32709	7590	06/18/2007	EXAMINER	
Gateway Inc			PUENTE, EMERSON C	
Patent Attorney			ART UNIT	PAPER NUMBER
PO Box 2000			2113	
N. Sioux City, SD 57049				
MAIL DATE		DELIVERY MODE		
06/18/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/646,164	WIDNER, STEVEN W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Emerson C. Puente	2113	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
  - a)  The period for reply expires 3 months from the mailing date of the final rejection.
  - b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
  - (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-55.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.
13.  Other: \_\_\_\_\_.

Continuation of 3. NOTE: Claims 32-42 raise new issues that would require further consideration and/or search .

Continuation of 11. does NOT place the application in condition for allowance because: the arguments are not persuasive. Regarding applicant's argument "Bharati does not mention a source file. Bharati collects an inventory of files on the computer and system properties of the computer. Bharati does not state how this information is collected....Bharati generates the information. The information in Bharati is not stored on the computer, it is generated from it," (see page 14-15 of remarks), examiner respectfully disagrees. Examiner agrees information is generated, but the generated information must be collected from a source file. Bharati discloses collecting information, such as name of operating system, OS version, etc., from the client computer (see page 2 paragraph 19), identifying build of material information in a source file of the computer system. Argument is moot. Examiner maintains his rejection

## DETAILED ACTION

Claims 1-55 have been examined.

### *Claim Rejections - 35 USC § 101*

Claims 32-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

### *Claim Rejections - 35 USC § 102*

Claims 1,2,7-13,18-23,28-33,39-43,49-53, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application No. 2003/0208593 of Bharati et al. referred hereinafter “Bharati”.

### *Claim Rejections - 35 USC § 103*

Claims 3,4,14,15,24,25,35,36,45,46, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharati in view of US Patent No. 5,857,192 of Fitting.

Claims 5,16,26,37, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharati in view of Fitting and in further view of US Patent No. 6,920,492 of Richard.

Claims 6,17,27,38, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharati in view of Fitting and in further view of US Patent No. 6,915,302 of Christofferson et al. referred hereinafter “Christofferson”.

Claims 34 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharati in view of Richard.

  
Emerson Puente  
Examiner  
AU 2113